

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

256

Criminal Misc. No.M-29779 of 2015

Date of decision: October 16, 2015

Inder Singh

....Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Manoj Pundir, Advocate for
Mr. Ashok Kumar Arora, Advocate for the petitioner.

Mr. Rupam Aggarwal, D.A.G., Punjab.

Mr. C.S. Pasricha, Advocate for the complainant.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.173 dated 02.06.2015 registered under Sections 419, 420, 467, 468, 471, 120-B of the Indian Penal Code at Police Station Civil Lines, Amritsar during the pendency of the trial.

While issuing notice of motion on 03.09.2015, the contentions raised by learned counsel for the petitioner reads as under:

“Learned counsel for the petitioner submits that the petitioner

stood as a guarantor as he is having account in the same Bank and he is not the beneficiary in any manner. All documents were verified by the Bank and legal opinion was also taken. It was the duty of the Bank to verify the documents and the petitioner cannot be held liable for the same except being guarantor in case of failure to repay the loan amount. Learned counsel also submits that all the documents are either in the custody of the Police or with the Bank and the petitioner is ready to join the investigation. Nothing is to be recovered from the petitioner.

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Learned counsel appearing for the petitioner submits that neither the petitioner was having any intention to cheat the complainant nor he has prepared any forged documents in connivance with other co-accused. Learned counsel also submits that there is no criminal conspiracy against the petitioner and no offence is made out against him.

Learned State counsel submits that loan was sanctioned to one Rajender Singh who is no more in this world and the borrower of the loan was impersonated. Learned State counsel also submits that the cheating was done with the bank as the loan was borrowed by believing the guarantor. Learned State counsel also submits that on verification, the borrower/guarantors were not found present at the addresses given and the statements of the neighbours were recorded. One Harwinder Singh who is stated to be relative of the borrower submits that Rajender Singh had already expired.

Learned counsel for the complainant-Bank submits that everything has been managed at the instance of the petitioner and the petitioner is not entitled for anticipatory bail.

Keeping in view the allegations levelled against the petitioner, his conduct and also the fact that loan was advanced to a person who is no more in the world, no ground is made out to grant anticipatory bail to the petitioner and the present petition being devoid of any merit is hereby dismissed.

October 16, 2015
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(DAYA CHAUDHARY)
JUDGE